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SUMMARY RECORD OF THE 43rd MEETING

Chairman: Mr. KUKAN (Slovakia)

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The meeting was called to order at 10.20 a.m.

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued) (A/48/58-S/25024, A/48/63, A/48/68, A/48/74-S/25216, A/48/75-S/25217, A/48/77-S/25231, A/48/88-S/25310, A/48/93, A/48/94, A/48/113-S/25397, A/48/116, A/48/120, A/48/125, A/48/136, A/48/152, A/48/174, A/48/176-S/25834, A/48/177-S/25835, A/48/181, A/48/184, A/48/201, A/48/203-S/25898, A/48/211, A/48/214, A/48/217-S/25986, A/48/222, A/48/261-S/26073, A/48/262, A/48/273, A/48/291-S/26242, A/48/294-S/26247, A/48/302, A/48/307, A/48/330, A/48/355-S/26390, A/48/357, A/48/370, A/48/394, A/48/395-S/26439, A/48/396-S/26440, A/48/401, A/48/446, A/48/484, A/48/496 and A/48/564)

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1. Mr. PASHKOVSKI (Bulgaria), speaking on agenda items 114 (b) and (c), said that the Vienna Declaration and Programme of Action - the final document of the World Conference on Human Rights held in June 1993 - constituted a solid basis for future activities in the United Nations system in the area of human rights. The World Conference had recommended that the General Assembly should establish a post of United Nations High Commissioner for Human Rights as a matter of priority. His delegation hoped that the question would be considered in a concrete and constructive manner so that a decision could be taken at the current session which would reflect broad agreement on the High Commissioner's mandate and other relevant aspects. His delegation was ready to contribute to that work within the working group of the Committee.

2. The most important function of the High Commissioner would be to promote universal respect for and observance of human rights and fundamental freedoms, on the basis of preventive diplomacy and early warning. He would also be responsible for system-wide coordination of the increasingly complex United Nations machinery in the field of human rights as well as implementation of the

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(Mr. Pashkovski, Bulgaria)

mandates assigned by the Commission on Human Rights, the Economic and Social Council and the General Assembly.

3. His delegation felt that it would be very appropriate to entrust the High Commissioner with the coordination and promotion of technical assistance, advisory services, education and public information in the field of human rights; Bulgaria therefore welcomed the proposal that the High Commissioner should act as overall head of the Centre for Human Rights, since the Centre was currently the focal point for human rights activities of the United Nations. The World Conference on Human Rights had called for immediate steps to increase substantially the resources for the human rights programme from within the regular budget and to seek increased extrabudgetary resources. It had also requested that an increased proportion of the regular budget should be allocated directly to the Centre for Human Rights, since its workload had considerably increased. His delegation therefore welcomed the recommendation of the Committee for Programme and Coordination that there should be a proportionate increase in resources allocated to the Centre, and hoped that the General Assembly would approve that recommendation at its current session.

4. His Government recognized the need for every individual to be aware of his human rights and fundamental freedoms; he drew attention to the programme for technical cooperation which had been carried out since the end of 1991 by the Republic of Bulgaria and the Centre for Human Rights in the field of documentation, information and training, and expressed the hope that further concrete action would be carried out within the framework of that programme.

5. His delegation welcomed the growing involvement of the United Nations in the organization of democratic elections in individual Member States, for example Eritrea and Cambodia. For the United Nations that was an excellent way of promoting human rights.

6. The statements of the Special Rapporteurs had shown once again that mere accession to international human rights instruments was not enough to ensure their effective observance. In view of the regrettable gap between existing standards and reality, it was essential that the international community should monitor the question closely; his delegation was convinced that such monitoring in no way constituted interference in the internal affairs of any country.

7. Mr. MARRERO (United States of America), speaking on agenda item 114 (b), said that it was important for the Committee to build on the accomplishments of the World Conference. While the final document of that Conference, the Vienna Declaration and Programme of Action, was clearly the result of compromise between participants from many different parts of the world, there had been no compromise whatsoever on the central issue: the universality of basic human rights in all countries, regardless of their political, economic and cultural systems. The Declaration also stressed the rights of the most vulnerable groups of society and called for the immediate elimination of torture and ethnic cleansing.

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(Mr. Marrero, United States)

8. The Vienna Declaration contained several proposals that would significantly improve the effectiveness of the United Nations in addressing human rights problems. The General Assembly must now take action. It must allocate more resources from the regular budget of the United Nations for human rights programmes. It must also act to implement the recommendations of the Conference on the rights of vulnerable groups, the elimination of torture, enforced or involuntary disappearances and summary executions, and cooperation with non-governmental organizations. The United States joined many other countries in calling for the appointment of a High Commissioner for Human Rights. The High Commissioner should have the authority to ensure the integration of human rights concerns throughout the United Nations, and to coordinate activities carried out in that field. He should also oversee the provision of advisory services to countries committed to improving their human rights performance, as well as all other programmes of the Centre for Human Rights.

9. His Government had made the elimination of torture by the year 2000 one of its priority goals at the World Conference. Far from being confined to isolated cases or to an age long past, torture was still being practised in many countries, often with the knowledge of the authorities, and generally in order to impose silence on an active minority. The Vienna Declaration condemned torture and called on States to put an end to it forever. However, less than half the Member States had signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment since its adoption by the General Assembly in 1984. The United States had signed that Convention and was working on passing the implementing legislation; it strongly urged other members of the international community to do the same and expressed continued support for a draft protocol establishing a system of confidential periodic prison visits.

10. Another key component of the fight against torture was assistance to torture victims and their families. In 1992, the budget of the United Nations Voluntary Fund for Victims of Torture, established in 1981, had been a mere \$1.6 million. In 1993, the United States had contributed \$500,000 to the Fund and it hoped that other countries would also give generously. Torture was one of the worst human rights violations imaginable. All victims of torture must receive treatment and rehabilitation, and all torturers must be brought to justice. The United States urged all States to prosecute vigorously those who were guilty of torture.

11. Mr. HJELDE (Norway), speaking on agenda items 114 (b) and (c), also recalled the action oriented nature of the Final Document of the Vienna Conference and the Assembly's responsibility regarding the follow-up to the Declaration and Programme of Action. Norway endorsed the principles set forth in the Declaration, and was also in favour of establishing a post of High Commissioner for Human Rights.

12. His delegation wished to draw the Committee's attention to a number of topics which had not met with the attention they deserved at the Conference, specifically human rights in situations of internal strife and armed conflicts. When a country experienced serious problems of that kind, its Government

(Mr. Hjelde, Norway)

frequently proclaimed a state of emergency, which allowed it to derogate from the provisions laid down in international human rights treaties. However, there were minimum standards and guarantees from which no derogation could be made. Norway intended to consult other interested Governments on the question of drafting a United Nations Declaration on minimum standard rules of protection to be applicable in all situations.

13. Norway strongly supported the conclusions of the representative of the Secretary-General on internally displaced persons and had drafted a resolution on the matter which it hoped would be adopted by consensus.

14. One of the main tenets of the human rights system was that all persons were born free and equal in terms of human rights. That basic principle was currently under severe attack, particularly in the territory of the former Yugoslavia. Norway supported the international efforts being made to bring those responsible to justice. Ethnic tension and conflict also persisted in the trans-Caucasus region, including Armenia, Azerbaijan and Georgia. The international community must redouble its efforts to find peaceful solutions to those problems, for example by assisting the parties concerned to enter into mutual agreements on peace-keeping missions, including human rights monitoring, with the assistance as necessary of the Conference on Security and Cooperation in Europe and the United Nations.

15. He urged the international community to respond vigorously to the rise of ethnic nationalism, racism and intolerance, and welcomed the appointment by the Commission on Human Rights of a Special Rapporteur to consider those matters, and the decision to launch a third decade against racism and racial discrimination.

16. Norway was particularly concerned that many indigenous peoples continued to be deprived of their human rights and fundamental freedoms, as in the case of the recent massacre of Yanomami Indians on the frontier between Venezuela and Brazil, and it supported the plan for an International Decade for Indigenous Peoples and endorsed the idea of establishing a permanent body for indigenous affairs within the United Nations. It also looked forward to an early completion of the draft declaration on the rights of indigenous people.

17. Freedom of expression was a fundamental human right. In the course of 1992, 50 writers and journalists all over the world had been killed, more than 100 imprisoned and 1,500 subjected to torture and maltreatment. Norway condemned the death sentence imposed on the British writer Salman Rushdie and renewed the October 1993 appeal of the four Nordic countries to the Iranian Government to disassociate itself from that incitement to murder. It continued to be concerned about the restrictions on freedom of the press in Iran and the discrimination on the grounds of religious belief to which certain of its citizens, including the Baha'i community, were subjected. It was also concerned over the massive and grave violations of human rights in Iraq, especially the attacks on the Kurdish people and on the civilian population in the southern Shia centres and the southern marshes. It again urged the Government of Iraq to allow the stationing of human rights monitors throughout the country.

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(Mr. Hjelde, Norway)

18. Norway was aware of the increasingly close link between democracy and respect for human rights and it stood ready to support those countries which were seeking to strengthen the rule of law. It deplored the fact that some governments, such as the Government of Myanmar, saw fit to disregard the will of their people as expressed through free elections. There had been some encouraging developments in Africa, but it was concerned at the tragic events that had taken place in Burundi, Angola, Somalia and Sudan, and urged that every effort should be made to find a negotiated settlement of those conflicts.

19. Building peace and confidence was never an easy matter, and the United Nations was sometimes called upon to play an active part in restoring peace. He cited the example of El Salvador as being particularly encouraging, but expressed misgivings about the persisting violations of human rights in that country. He was also concerned about the situation in Guatemala and urged the parties to work towards national reconciliation.

20. His delegation paid tribute to all those labouring on behalf of human rights, but stressed the need to improve the coordination of activities and to link the protection of human rights with development activities and with peacemaking and peace-keeping operations.

21. Mr. TAYLHARDAT (Venezuela) recalled the four main points of the Vienna Declaration and Programme of Action: namely, the universality of human rights; the universal and inalienable nature of the right to development which was a fundamental human right; the recognition of the relationship between democracy, development and respect for human rights and fundamental freedoms; and the decision to strengthen international cooperation in the field of human rights. Venezuela attached special importance to the agreements reached in the areas of the rights of women, of the child, of disabled persons and of vulnerable groups. I wished also to affirm the inherent dignity and rights of indigenous people. In response to the comments of the Norwegian representative, he assured the Committee that Venezuela was doing all that it could to identify those responsible for the massacre of the Yanomami Indians and bring them to justice.

22. His delegation stressed the close link between democracy, respect for human rights and development, and drew attention to the various reports on the situation of human rights in Venezuela submitted over the last few months by important non-governmental organizations. It recognized that the country had had a difficult year: it had been obliged to deal not only with the social consequences of its economic reform programme but also with political troubles threatening to undermine its democratic system. Although some abuses might have been committed, there had been no deliberate policy to that effect on the part of the Venezuelan Government: on the contrary, it had made every effort to protect fundamental human rights, which were inscribed in the country's constitution, and to safeguard the access of all Venezuelans to the mechanisms and organs established to ensure respect for the law and the administration of justice. Measures would be taken to correct the unfortunate incidents that had been reported, for Venezuelan society was deeply attached to democracy, as was shown by the fact that it was preparing to elect its eighth President in 34 years of democratic rule.

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(Mr. Taylhardat, Venezuela)

23. Venezuela was anxious to prevent human rights from being politicized. It therefore supported the appointment of a High Commissioner for Human Rights, AS recommended by the Vienna Conference, and hoped that his mandate would include three major tasks. He should work to protect human rights and fundamental freedoms throughout the world, in other words act as a mediator at the world level; he should promote respect for individual freedoms, by making sure that all people were aware of their rights and of the means available to them to ensure that they were respected; and he should coordinate the efforts of the entire United Nations system in the field of human rights. His delegation hoped that the Working Group would agree without delay on the High Commissioner's mandate so that he could take up his duties as soon as possible.

24. Having studied the various special reports submitted to the Committee, he wished to draw the Committee's particular attention to the case of Haiti, where the human rights situation was steadily deteriorating. His delegation had sponsored a draft resolution on the subject which it hoped would be adopted by consensus.

25. Mr. OKOUA (Togo), referring to item 114 (b), said that at the end of the century, a period marked by the uncertainties and instability of a changing world, despite the end of the ideological confrontation between East and West and the establishment of a new international order armed conflicts, violations of human rights, the non-observance of international humanitarian law, the widening gap between North and South, injustice and social inequalities remained major obstacles to be overcome in the struggle to achieve full freedom and dignity for all mankind.

26. For the peoples of the developing countries, stricken by lack of food, accommodation, health care, education and employment, the poverty situation was sometimes such that one wondered whether in the circumstances human rights were of any significance.

27. Admittedly the World Conference on Human Rights had forged consensus on a number of basic issues including universality of human rights with due regard for the specific characteristics and cultural differences of nations, the interdependence of democracy, development and respect for human rights and fundamental freedoms, and the right to development as an inalienable human right. It had also highlighted the fact that human rights efforts would be futile while two thirds of the world lived in material and spiritual poverty. Since development and the promotion of human rights were indissociable, any advance in the full realization of human dignity depended on real progress in reducing economic and social inequalities. Togo's main concern was therefore the promotion of economic and social rights, including the right to development.

28. In 1986 the General Assembly of the United Nations, by its resolution 41/128, had proclaimed that "The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development ...". Unfortunately, the obstacles to the full realization of the right to development had not yet been eliminated. For that

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(Mr. Okoua, Togo)

reason Togo welcomed the recommendation of the Vienna Conference to the effect that the thematic working group on the right to development established by the Commission on Human Rights should promptly formulate, for consideration by the General Assembly, comprehensive and effective measures to eliminate obstacles to the implementation and realization of the Declaration on the Right to Development and should recommend ways and means towards the realization of the rights to development by all States. It hoped that the first session of the working party had made some headway in achieving those objectives.

29. On account of the interdependence of members of the international community, the growing marginalization of many countries, especially in Africa, must be accorded priority. Many African countries were seeking to establish the rule of law, democratic pluralism and the protection and promotion of human rights, but the social, economic and political costs of such a transition created enormous tensions, even conflicts, which might jeopardize the progress made unless decisive international support was provided to facilitate and encourage the process.

30. Given the shared destiny of the world's nations, the responsibility for creating an environment conducive to the observance of human rights, by rapidly giving effect to the right to development and drawing on the synergy between development, peace and respect for human rights required to create conditions whereby every human being could enjoy the economic, social and cultural as well as the civil and political rights to which he was entitled under the relevant international instruments, must also be shared by all.

31. His delegation reaffirmed that formulation of appropriate policies was first and foremost the responsibility of States, and appealed for greater mobilization on the part of the international community with a view to the establishment of the rule of law and the implementation of the Declaration on the Right to Development, for it was only when the basic needs of human beings were satisfied that the essential foundations could be laid for democracy and an international order in which peace and mutual understanding would prevail.

32. Mr. BIGGAR (Ireland) associated himself fully with the statement made by the representative of Belgium on behalf of the European Union, and said that his remarks would focus essentially on the question of freedom of religion or belief and the elimination of all forms of related discrimination.

33. His delegation welcomed the fact that in its general comment on article 18 of the International Covenant on Civil and Political Rights, the Human Rights Committee had reaffirmed the importance of the right to freedom of thought, conscience and religion, and had emphasized the wide range of beliefs covered by and the very limited restrictions permitted under the Covenant.

34. The need to protect freedom of religion and belief and to prohibit any discrimination in that regard had been recognized by many instruments, such as the Charter of the United Nations, Universal Declaration of Human Rights, International Covenant on Civil and Political Rights or the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion

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(Mr. Biggar, Ireland)

or Belief, according to which "religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life ...". Religion or belief were among the factors which served to define national or cultural identity, and the denial of that right had particularly serious consequences for the individual and society.

35. Unfortunately, despite the broad consensus existing on the subject, grave violations of religious freedom persisted in many countries, as borne out by the most recent report submitted to the Commission on Human Rights by the former Special Rapporteur, Mr. Angelo Vidal d'Almeida Ribeiro, or the reports by other Special Rapporteurs on the human rights situation in a number of countries, including the former Yugoslavia, Iran and Iraq.

36. In the worst cases, members of religious minorities had been subjected to systematic persecution, summary executions, torture and other discriminatory measures which threatened their existence. Sometimes, minority groups were prohibited from manifesting their religious beliefs, when they were not obliged to practice the dominant religion, and certain traditional beliefs and practices were undermined with a view to stifling political dissent. Elsewhere, violations of the right to freedom of religion or belief were the consequence of conflicts involving different ethnic or national groups, proof of which was the destruction of religious sites in the former Yugoslavia.

37. As the World Conference on Human Rights had recalled, it was the responsibility of all States Members of the United Nations, in conformity with the Charter, to promote and protect the fundamental rights and freedoms. The legal guarantees provided by their respective constitutions and legislation were not sufficient. Governments must ensure that such rights applied in practice to all citizens.

38. It was particularly important that limitations on human rights should be kept to a minimum and that any restriction should conform strictly with international human rights standards. His delegation agreed with the view of the Human Rights Committee that no limitation on the freedom of thought or conscience was permissible. Nor was any limitation permissible on the freedom to have the religion or belief of one's choice, and the right to manifest one's religion or belief, unless that limitation conformed strictly with the criteria set out in the Covenant, article 18, paragraph 3.

39. There was a growing need to inculcate tolerance at all levels of society, through education and other means. A significant role could be played in that connection by Governments, the United Nations and other bodies, particularly non-governmental organizations, which were to the forefront in bringing cases of discrimination to the attention of the international community; but ultimately it was for individuals to examine their consciences and ensure that they did not, consciously or otherwise, practise discrimination against others.

40. His delegation would shortly introduce a draft resolution on the elimination of all forms of intolerance based on religion or belief. He hoped that it would be adopted by consensus, thus demonstrating the determination of

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(Mr. Biggar, Ireland)

the international community to ensure that all might profess the religion or belief of their choice.

41. Mr. LONGCHAMP (Haiti), speaking on agenda item 114 (c), said that the Special Rapporteur on the human rights situation in Haiti had conveyed most truthfully and accurately the tragic reality undergone by Haitian society, which had, with the election of President Aristide on 16 December 1990, made its first democratic experiment since independence and had then had it snatched away by the leaders of the coup d'état of 30 September 1991. Since then the military had been engaged in keeping the terror at its highest pitch in order to prevent the restoration of democracy and the constitutional Government of President Aristide, and to prolong their unlawful status indefinitely.

42. Flagrant and persistent human rights violations had long formed part of the social and political reality of Haiti. The armed forces and the police helped a minority to control the country. Everywhere in every state the army could violate the Constitution with full impunity and neither the military nor their associates were ever brought to trial. On innumerable occasions they had refused to act on arrest warrants against senior officers or supporters of the former dictator, Jean-Claude Duvalier. Under such conditions the administration of justice became practically impossible and the Haitian people lacked the means of appeal to which they were entitled from an independent and fair system of justice.

43. The critical human rights situation in Haiti would improve only if the military were to return to their barracks and restrict themselves to their strictly non-political role under the Constitution which was to "ensure the security and integrity of the territory of the Republic".

44. The army had not, however, agreed to implement the Governors Island Agreement, signed by the President of the Republic and the General-in-Command of the armed forces and recognized by the Haitian Government and the international community as the only frame of reference for a definitive settlement of the crisis. By refusing to submit to the civilian authorities, the military had reinforced the institutionalization of violence against all Haitians who wished for the return of President Aristide and law and order. They had not hesitated to assassinate the Minister of Justice, who had been working on an efficient judicial system and on submitting to Parliament a bill on the separation of police and army. In such a climate of daily human rights violations the Haitian Government appealed for the return of the United Nations Mission in Haiti, which could help to restore the people's confidence by showing them that the international community was not indifferent to their fate.

45. The moral values claimed by the Haitian people - the restoration of freedom, equality and dignity - were an integral part of the aims and principles set out in the United Nations Charter and the Universal Declaration of Human Rights. The return of President Aristide would mean that, as he had promised both at the Human Rights Committee in February 1992 and elsewhere, the country's democratic institutions could be strengthened and an independent system of justice could be established which would at last respect the rights of Haitians.

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(Mr. Longchamp, Haiti)

No effort would be spared by the Haitian Government to restore the people's confidence in a reformed judicial system, since it was convinced that the effective and fair administration of justice was crucial to real national reconciliation.

46. Mr. BURCUOĞLU (Turkey), speaking on agenda item 114 (b), said that with the disorder created by the new areas of tension and conflict, which could be seen throughout the world, the establishment of a new international order proved to be more essential than ever. Such an order depended on both respect and supremacy for law and pluralism, the only context in which the universal values of humanity could flourish, namely democracy, freedom, the protection of human rights and development, which were all closely interlinked. On that account, the World Conference on Human Rights had made it possible to achieve a consensus on fundamental human rights principles and to strengthen international cooperation in that area.

47. In that context the Turkish delegation was obliged to say that the statement made on 23 November by the representative of Belgium, on behalf of the European Union, did not conform with that spirit of cooperation. The President of the European Union had criticized some 30 countries, including Turkey, which had been taken to task on the basis of the brief summary record of the Committee against Torture, for which the Turkish Government would, moreover, provide a detailed reply.

48. Reaffirming that his country was open to constructive and sincere criticism, to which it would give serious consideration, he needed, however, to make several points. First, human rights were part of a dynamic process, the driving forces of which were democracy, transparency, monitoring mechanisms, criticism and self-criticism; perfection in the area of human rights could therefore not exist in any country.

49. Secondly, the Committee against Torture was the body responsible for monitoring the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which only 78 States were parties, including Turkey, whereas two States members of the European Union had still not signed. Moreover, some of the countries of the European Union which were parties to the Convention had not, unlike Turkey and a small number of other States, made the declarations provided for under articles 21 and 22 of the Convention. Indeed, a State member of the European Union had been criticized by the Committee against Torture at its eleventh session, when the Committee had deplored the consistently bad treatment and acts of torture meted out in police stations and places of detention in the country concerned, the slowness of inquiries and the impunity that such faults seemed to enjoy. Pre-trial detention was also of excessive length.

50. Thirdly, the Subcommission on Prevention of Discrimination and Protection of Minorities was conducting a confidential inquiry, directed at a State member of the European Union, on the procedure for dealing with communications relating to violations of human rights and fundamental freedoms [Economic and Social Council resolution 1503 (XLVIII)].

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(Mr. Burcuoğlu, Turkey)

51. Fourthly, with regard to the problem of minorities, two of the States members of the European Union did not admit to having any minorities in their own territory. Lastly, while, thanks to article 15 of the Vienna Declaration, "the speedy and comprehensive elimination of all forms of racism and racial discrimination, xenophobia and related intolerance was a priority task for the international community", everybody knew in which countries those new forms of racism and xenophobia had appeared and who had fallen victim thereto.

52. In that context his delegation considered the judgement made by the European Union on his country to be out of order and without validity. The European Union, which had the temerity to inspect a whole series of countries to give them bad marks, should have the courage to undergo self-criticism because to a country like Turkey which was making steady progress in the field of human rights and was aware of what remained to be done, the position of the European Union was unfair and groundless.

53. In conclusion, his delegation called on the States members of the European Union which were not parties to the Convention against Torture to ratify it, and to those who had not made the declarations provided for in articles 21 and 22 to do so. It invited the States members of the European Union to look at themselves with a critical eye if they wanted to be credible and remained, for its part, determined to work for the promotion and protection of human rights and for international cooperation in that field.

54. Mr. DIALLO (Mali), speaking on agenda item 114, said that despite the growing number of countries which had undertaken to implement the Universal Declaration of Human Rights and other legal international human rights instruments, the world continued increasingly to experience violence, war, injustice, disease, famine and poverty, as was the case in former Yugoslavia, Angola, Somalia and Burundi. That was because even universal accession to all the legal instruments would not be enough by itself unless that commitment was accompanied by mechanisms for effective implementation. His delegation had taken note with interest of the statements made by the Assistant-Secretary-General for Human Rights and the Chief of the service for the implementation of international instruments and the procedures of the Centre for Human Rights as well as the various reports submitted on questions relating to human rights. It commended the various human rights bodies on the quality of their work and requested in turn that they should be equipped with resources sufficient to enable them to perform their functions efficiently.

55. Recalling that the World Conference on Human Rights had reaffirmed the universal nature of human rights and the need for the United Nations to make a priority of ensuring the promotion and protection of fundamental freedoms and rights, and that many countries had stated that the rights of the individual were based on human dignity and that States had the responsibility to ensure their implementation, Mali appealed to all Member States who had not yet done so to accede to the various legal instruments on the protection of human rights, and to States parties to those instruments which had registered reservations to them to reconsider their position.

(Mr. Diall, Mali)

56. In Mali, which was party to the main relevant international instruments, the human rights situation had made significant progress with the establishment of democracy and transparency in public affairs, which citizens had the right to monitor. The new Constitution, adopted on 12 January 1992, reaffirmed the commitment of the Malian people to abide by the Universal Declaration of Human Rights (1948) and the African Charter on Human and People's Rights (1991); its first chapter contained guarantees for the respect of fundamental rights, it stated that the individual was sacred and inviolable and prohibited the practice of torture and racial, sexual and religious discrimination, adding that any person who was subjected to persecution could enjoy the right to asylum in Mali. Furthermore, the President of the Republic had established a ministry in the Government which was specifically responsible for human rights and whose mission was to work towards a more widespread dissemination of human rights through education and information, and to ensure that they were applied.

57. In Mali the great variety of media provided a framework for plural expression as well as helping to inform citizens of their rights and freedoms. Thus, the private press, at that time represented by more than 50 independent titles, had played a considerable role in the struggle of the Malian people for greater freedom and justice and in the introduction of democracy, and 15 free radio stations were authorized. In addition, the Constitution had provided for the establishment of an independent body which would ensure equal access for all to the State media. It was those efforts made in favour of the freedom of the press which recently led Mali to host an international meeting on the theme of pluralism in the radio sector.

58. In the spirit of dialogue and coordination for the respect of human rights, the Government of democratic Mali had signed a national covenant to end the armed rebel movement which had broken out in the northern regions of the country. It was also within the framework of a State subject to the rule of law that the trial of the former President of the Republic, the senior members of his party and the members of his Government had been held. Convinced that democracy, human rights and development were closely linked concepts, his Government was continuing its efforts to reinvigorate economic activity which, alone, could guarantee social and political stability by meeting the fundamental needs of the population, an indispensable condition for full enjoyment of human rights. There was indeed a problem with resources and Mali requested that support should be given to all Governments involved in political renewal in order to maintain and consolidate the democratic process and the State subject to the rule of law which had sometimes been installed at a very high price.

59. Mr. AKRAM (Pakistan), speaking on agenda item 114 (b), said that the standards contained in United Nations instruments on human rights had rapidly acquired the status of universal values. However, the international community should not rest on its laurels since, despite their claims, many States had not made those norms part of their policies. He hoped that with the end of ideological confrontation it would be possible to reach an East-West and North-South consensus on social and economic development, democratization and respect for human rights. For the moment, the specific dimensions of human rights, the

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rights of individuals and of groups and the relationship between socio-economic development and enjoyment of human rights should be clarified further.

60. It was particularly at times of armed conflict and when the right to self-determination was suppressed that human rights violations became intensified. Those conflicts, as well as disrupting international peace and security, spawned acts such as genocide, ethnic cleansing, murder, rape, torture, extrajudicial and summary executions and enforced and involuntary disappearances. It was therefore important for the United Nations to make every effort to prevent and eliminate those conflicts through peaceful settlement, preventive diplomacy and, where necessary, collective enforcement measures. The enhancement of international and regional peace and security would pave the way to create conditions for universal respect for human rights and fundamental freedoms.

61. He deliberately refrained from mentioning the human rights situation in Jammu and Kashmir and said that, at the Vienna Conference on Human Rights, some delegations had hesitated to associate themselves with the call to lift the arms embargo on Bosnia and Herzegovina, thus prolonging the suffering of the Bosnian people.

62. Poverty was another root cause of human rights violations in the third world. Some 250,000 children died each week due to malnutrition and disease; each year 20 million people died of starvation and related diseases and half a million women died during pregnancy or childbirth. Poverty also bred social disruption, as in the case of Somalia, and contributed to environmental degradation, further reducing the possibilities of economic development. The international community must therefore cooperate in evolving a common strategy to banish the curse of poverty through enhanced international economic cooperation, development assistance and reform of national and international structures.

63. His delegation hoped that, thanks to the new sensitivity concerning human rights, the right to development would be translated into practical policies for balanced socio-economic development and that tangible links would be established between development and the realization of fundamental human rights. It was self-evident that inter-State relations should be based on the principles of sovereignty and territorial integrity of States, as enshrined in the United Nations Charter, and the behaviour of certain States undeniably tarnished such principles.

64. His country believed that the procedures for the consideration of communications concerning human rights violations needed to be reviewed to render them more credible and efficient. Those procedures, which had been approved by Economic and Social Council resolution 1503 (XLVIII), had been elaborated with extreme circumspection, but had subsequently revealed their weaknesses. Firstly, they were too slow. It took almost two years from the time when individual complaints were received by the Centre for Human Rights to the time when the Commission on Human Rights was in a position to take action. Secondly, the written communications procedure militated against populations and peoples where literacy levels were low and United Nations procedures were

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unknown. The United Nations bodies dealing with human rights were therefore required to depend almost exclusively on reports and documents compiled by non-governmental organizations such as Amnesty International, Asia Watch, the International Commission of Jurists, the International Committee of the Red Cross and others. Lastly, since the decisions of United Nations bodies were taken by Governments, they were more likely to be political and to lack objectivity. His delegation noted with regret that decisions on human rights violations related mostly to smaller States rather than large and influential States. It was therefore necessary that the machinery for monitoring human rights violations should adopt more objective and equitable procedures. In particular, the procedures contained in Economic and Social Council resolution 1503 (XLVIII) needed to be accelerated and supplemented by new and more effective mechanisms.

65. His Government, having carefully examined the proposal for the creation of the post of United Nations High Commissioner for Human Rights, supported it, in the conviction that a United Nations official responsible for monitoring the global human rights situation would ensure objectivity, impartiality, universality and non-discrimination, and that it would be preferable for the High Commissioner to report on human rights violations rather than the embassy of another country, which was likely to be guided by political considerations, or a non-governmental organization, which might rely only on partial sources. Moreover, the High Commissioner, being answerable to the United Nations intergovernmental bodies, would be considerably more circumspect in his conclusions and would doubtlessly give the facts a more thorough examination. The High Commissioner would need to take cognizance of all situations where human rights were being violated, which would eliminate, or at least attenuate, the selectivity and discrimination which were evident in the current United Nations action on human rights. Lastly, the High Commissioner could call attention to violations more quickly, thus redressing to some extent the shortcomings of the procedures provided for in Economic and Social Council resolution 1503 (XLVIII).

66. The recently elected Government of Pakistan was convinced that the promotion of respect for human rights was essential to strengthen the country's democratic institutions to foster national unity and to invigorate socio-economic development. It had taken measures to enhance the representation of women in public bodies and would address the problems of minorities and other groups. His Government would actively consider ratifying the International Covenants on Human Rights.

67. The link between democracy and human rights had been firmly established. There could be no hope of eliminating injustices and human rights violations without democratization. On the other hand, democracy should not serve as a screen behind which human rights were violated with impunity. Through democracy it was possible not only to safeguard human rights, but also to increase economic progress, social justice, equality of opportunity and pluralism. His delegation believed that persuasion was the best means of promoting democracy. If an international democratic culture was to emerge, it must assimilate the

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best of all political and cultural systems drawing from the unique historical experiences of those systems in order to enrich itself.

68. Mr. EL-KHAZEN (Lebanon) recalled that his country, which had been one of the drafters of the Universal Declaration of Human Rights, said that huge areas of southern Lebanon were still occupied by Israel, despite Security Council resolutions 425 (1978), 508 and 509 (1982) as well as resolutions adopted by the Commission on Human Rights, the latest of which had been adopted quite recently, at its forty-ninth session. His country, which had always adhered to the universal values of human rights, saw those rights violated on a daily basis in its own territory by Israel, whose policies represented a flagrant contravention of the Fourth Geneva Convention of 1949 and the fourth Hague Convention of 1907, international law, the Universal Declaration of Human Rights and all United Nations resolutions. Southern Lebanon was subjected every day to air raids and artillery shelling; the media recorded the arrest and expulsion of citizens, the destruction of their homes and the confiscation of their property.

69. Israel, in violation of the International Covenants on Human Rights and customary international law, had for many years prevented the International Committee of the Red Cross from carrying out the mission required entrusted to it by the Commission on Human Rights in its resolutions, namely to visit the two detention centres of Al-Khiam and Marjayoun, where more than 200 Lebanese were being held illegally. It was time for Israel to heed the appeals from international bodies by releasing the detainees, and respecting customary law as well as the international principles and resolutions adopted by the United Nations, particularly at the current stage of the peace talks, which required mutual trust.

70. His country, which desired peace and stability, and was convinced that every Lebanese citizen had the right to live in dignity within its liberated territories, called on the international community to assume its responsibilities fully and demand that Israel put an end to its practices and implement the Security Council resolutions, all of which called for its unconditional withdrawal to internationally recognized boundaries. His country reiterated its attachment to human rights and peace, which were complementary, in order that justice and human dignity might prevail.

71. Mr. LAZAREV (United Nations Educational, Scientific and Cultural Organization (UNESCO)) speaking on agenda item 114 (b), said that the idea of making 1995 the year for tolerance had been raised at the twenty-sixth session of the General Conference of UNESCO, in 1991 (resolution 26 C/5.6). In implementation of that resolution, consultations had been held with the United Nations, leading to the adoption of resolution 47/124, in which the General Assembly had welcomed UNESCO's initiative and had requested the Director-General to prepare, in cooperation with other interested organizations, suggestions on the observance of the United Nations year for tolerance and to submit them to the General Assembly at its forty-eighth session, through the Economic and Social Council. The Council had considered the question at its 1993 substantive session and had adopted resolution 1993/57. The representatives of several countries had supported the UNESCO initiative, calling for more serious

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reflection within the framework of the year, aimed at redefining the basic concepts underlying the notion of tolerance, and expressing their support for the draft Declaration on Tolerance (A/48/210).

72. At its twenty-seventh session, the General Conference of UNESCO also discussed the question, and the draft won unanimous support from the Member States which, in a resolution adopted on 15 November 1993 (available to the Commission) invited inter alia the Director-General of UNESCO to continue his efforts, in close collaboration with the Secretary-General of the United Nations, the relevant United Nations bodies, the non-governmental organizations and the Member States in order to draw up the proclamation for the 1995 United Nations year for tolerance. Since the adoption of resolution 47/124, UNESCO had held preliminary consultations with United Nations specialized agencies and other intergovernmental organizations requesting that they should share their experience and skills. The year for tolerance, which would coincide with the fiftieth anniversary of the United Nations, should be the occasion for all States, in the context of common actions, to strengthen the bonds of complementarity and to reacquaint themselves with the reasons which had presided over UNESCO's birth, i.e., as stated in the Constitution of UNESCO, to ensure that the doctrine of the inequality of men and races might never recur.

73. In the face of rising nationalisms, the resurgence of racial and ethnic prejudices confronting the world with ignorance, fear and hatred, in which post-cold war political spaces were transformed and violently dismantled, in the face of the crises of the contemporary world, a unanimous will affirming the value of tolerance and democracy, human rights and solidarity must be reformulated. The practice of tolerance appeared in the preamble of the United Nations Charter as the primary means of peace-keeping, justice, respect for human rights and promotion of social progress. Tolerance was not only an attitude of mutual respect but was also bound to the mechanisms of the social operation for regulating bonds between men, manifested through action in the fields of law, public health, the economy, justice, education, the environment and communication. The conditions for stability and well-being mentioned in Article 55 of the United Nations Charter were founded on the ethic of shared responsibility which counted on collective forms of tolerance and concerned all mankind on whose future it staked. To promote that year, there should be active cooperation and participation of all so that, faced with the new forms of intolerance threatening the ideals which had presided over the establishment of the United Nations, the international community might once again recover the meaning of the primary commitment of nations resolutely "united" to maintain peace.

74. As for the World Conference on Human Rights, he recalled that, at its twenty-sixth session, the General Conference had supported holding in 1993 an International Congress on education concerning human rights and democracy, convened jointly by the Centre for Human Rights and UNESCO which it thought might be useful for the World Conference. Held in Montreal, Canada, in March 1993, the Congress had proposed an action plan for education on human rights and democracy which was presented by UNESCO at the World Conference and which was mentioned in the declaration and Programme of Action adopted at

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Vienna. In order to establish an appropriate follow-up programme, UNESCO supported the emphasis laid in the Vienna Declaration and Programme of Action on the need for active cooperation within the United Nations system among competent bodies, organizations and specialized agencies in the area of human rights. In that perspective, UNESCO and the Centre for Human Rights had already begun consultations. In addition, UNESCO supported the idea of proclaiming a decade for human rights education which would serve to crystallize and strengthen efforts undertaken in that context by the United Nations.

75. UNESCO would continue to work for human rights education and democracy, inspired by the principles stated in the plan of action and endeavouring to realize the seven specific strategies planned, including the establishment by UNESCO of a follow-up committee primarily for monitoring implementation of the Plan of Action by the Member States. The question had already been taken up during the twenty-seventh session of the General Conference and would be thoroughly reviewed during the one hundred and forty-fourth session of the Executive Board in the spring of 1994 in the light of decisions to be taken by the General Assembly at its forty-eighth session. As for its activities on human rights education, UNESCO paid particular attention to vulnerable groups such as minorities, women and children. Faithful to its mandate, however, it was also interested in the cultural rights of persons belonging to minorities which were especially threatened today.

76. Mrs. DROZD (Belarus), speaking on agenda item 114 (b), said that almost 50 years since the adoption of the Universal Declaration of the Rights of Man, fundamental political, civil, economic, social and cultural rights were still flouted in most countries of the world. The end of the cold war had not yet permitted setting up a new world partnership founded on justice. The vast majority of human beings were not always able to exercise their individual rights nor to enjoy democratic freedoms.

77. In many countries, the human rights situation was aggravated by inter-ethnic, religious and military conflicts which, in flagrant violation of the fundamental principle that all men were born free and equal in dignity and in rights, on which the Universal Declaration of Human Rights rested, thousands of people were forced to flee from their homes or countries.

78. Her Government was in a good position to understand that the process of establishing a democratic society was not simple. The heritage of a totalitarian past, the absence of a legal system capable of defending individual rights caught up in an all-powerful bureaucracy and struggling under increasingly difficult economic problems, of course, had to be borne. Nevertheless, the society of Belarus was undergoing undeniable positive transformations. The country had already more than 30 laws governing the transition to a market economy. The Parliament was reviewing a draft constitution which should ensure that the democratization process was irreversible. That project had not only taken its inspiration from the constitutions of other countries, but also drew from the historic void the constitutional standards of the end of the sixteenth century recorded in one of the earliest European legal codes still relevant and known as the Statute of the

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Grand Duchy of Lithuania. The fundamental law of Belarus laid down the principles of the separation of legislative, executive and judiciary powers and the supremacy of international law over national law, and guaranteed the individual rights and freedoms via implementation of the mechanisms indispensable for their protection. As early as 1991, Belarus had ratified the first Optional Protocol to the International Covenant on Civil and Political Rights and had recognized the competence of the Committee on Human Rights in respect of its article 41.

79. Belarusian society was in the process of acquiring a new political organization. The State no longer held a monopoly for protecting human rights; henceforth, non-governmental organizations such as the very recently established League of Human Rights could make themselves heard. The country stood out because of its religious tolerance and the high mutual respect practised by the 19 religions represented there which all enjoyed equal rights. Belarus today was one of the few countries in Europe where the major Catholic and Orthodox religious holidays were observed as public holidays.

80. The situation of inter-ethnic relations was also positive. In Belarus, there was an almost complete absence of extremist movements and parties stirring hatred, xenophobia and anti-semitism. Belarusians were traditionally tolerant and respectful of other nations' beliefs. In the centre of Europe, they endeavoured to maintain a religious and interethnic balance which they hoped would permit safeguarding stability and irreversibility of democratic transformation of society. The country had also adopted democratic laws on national minorities, freedom of belief and the position of foreigners and stateless persons. More than 200,000 migrants and stateless persons were in Belarusian territory for various reasons, and all were protected by law. Under the Nationality Act, the mandatory entry of nationality in passports had been eliminated and replaced by the universal concept of "citizen" of the Republic of Belarus.

81. Past errors weighed heavily on the country, but the democratization process was based on the conviction that a State under constitutional law and a democratic system met the hopes of all the members of the Belarusian society.

82. The World Conference on Human Rights had provided the opportunity to reaffirm the fact that it was for States to ensure that persons belonging to national minorities should be able to exercise their fundamental rights and freedoms with no restrictions of any kind. The situation of Belarusians living abroad, near or far, did not leave Belarus indifferent. Her delegation welcomed the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. It believed that it was important and urgent for the United Nations to defend the rights of minorities, and it supported the Secretary-General's proposal to establish, in the framework of the United Nations specialized agencies, a mechanism for monitoring implementation of the rights and principles set forth in the Declaration.

83. The Declaration and Programme of Action adopted at the Vienna Conference had reaffirmed the universality, indivisibility and complementarity of human

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rights. Individuals enjoyed from birth fundamental rights and freedoms which Governments and the international community must promote and protect. In that regard, her delegation approved United Nations efforts to strengthen the work of the competent national agencies, which provided in particular advisory services and technical assistance to States that so requested, and it advocated a close review of the "Principles relating to the status of national institutions", the implementation of which had been recommended by the International Workshop on National Institutions, for the Promotion and Protection of Human Rights, held in Paris in October 1991.

84. In conclusion, her delegation considered it essential to focus not so much on new standards as how to enforce strictly those that already existed. In the final analysis, foreign policy and developments in the international economic situation were more easily anticipated when States respected human rights, brought their domestic legislation into line with international standards and participated in the international monitoring system. That opened the way for an international society made up of democratic States which recognized the overriding importance of international law.

85. Miss AIOUAZE (Algeria), speaking on agenda item 114 (b), said that the World Conference on Human Rights, held at Vienna, with its review of international activities for guaranteeing human beings the effective exercise of their fundamental rights and freedoms, will have reflected the commitment of the community of nations to the cause of human rights, even when that cause raised reactions that reflected divergent sensibilities. Algeria was convinced that following up the collective work completed at Vienna would require concerted multilateral action, and it wished to make its own contribution to the general discussion under way in order to encourage activities aimed at promoting human rights, with strict respect for the purposes and principles contained in the Charter of the United Nations.

86. In its quest for an authentic humanism, the community of nations that had met at Vienna had managed to reach a unanimous agreement on the concept of the complementarity and indivisibility of human rights, which was also enshrined in the preambles to the International Covenants on Human Rights and had repeatedly been reaffirmed by the General Assembly and the competent United Nations bodies. Although, in that line of ideas, the Vienna Conference had been accurate in stating that the right to development was one of the fundamental and inalienable human rights, it had to be noted that the actual exercise of that right was not always possible and that economic, social and cultural rights did not yet mobilize the international community as they should. Yet without the effective enjoyment of those rights, the principle of indivisibility could not be given its full weight.

87. Algeria, which was striving to protect a democratic process that it hoped would lead to authentic democracy and would guarantee fundamental freedoms and was aware of the fact that, as the Vienna Declaration stipulated, the promotion and protection of human rights was the first responsibility of Governments, had in 1989 acceded to nearly all the international legal instruments on human rights. It had done so without reservations and had agreed to all the

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monitoring mechanisms provided - despite the fact that some were optional and had been accepted only by a very small number of States parties - which bore witness to its desire to work for the effective achievement of human rights and fundamental freedoms.

88. Algeria's accession without reservations to universally recognized standards in the field of human rights and its determination to lay the bases for an authentic democracy had been incompatible with the spreading of doctrines that were at variance with human rights and democratic values. That explained the Algerian State's resistance to the terrorist manifestations of religious extremism, whose advocates did not hesitate to violate human rights, beginning with the most sacred right of all, the right to life. Algeria could not but welcome the fact that the international community had recognized at Vienna that "The acts, methods and practices of terrorism in all its forms and manifestations are aimed at the destruction of human rights, fundamental freedoms and democracy". Algeria had also noted with satisfaction that the approach it had adopted in combating terrorism - an approach that was perfectly in keeping with its obligations under the international conventions - was the same one that had been recommended at Vienna, as witnessed by the request made to States to combat, in conformity with their international obligations, intolerance and related violence based on religion.

89. Mr. AL-DOURI (Iraq), speaking in exercise of the right of reply, noted that the representative of Norway had said that day that systematic human rights violations are being committed in Iraq, in particular against the Kurds. The representative of Norway appeared to have forgotten that Iraqi Kurdistan was under the control of the Allies and not of the Iraqi authorities. Therefore, that question could be validly raised only if the territory in question again became part of the fatherland. As for the Shiites of southern Iraq, the representative of Norway had, perhaps deliberately, spread certain rumours and spoken on the basis of information that could be inaccurate and that he knew to be inaccurate. Some circles were certainly seeking to divide Iraq on racial or sectarian lines.

90. Besides the fact that the Norwegian representative's statement was excessive and revelled in generalities, it might be wondered how the representative of a country that had taken clear-cut humanitarian positions could forget to mention the harmful effects of the embargo on the human rights situation in Iraq, when that situation, unlike the one under review, had been the subject of accurate information from international sources of irreproachable neutrality. As for the Norwegian statement, it might be credible if that country were to exercise greater objectivity in its criticisms.

91. The representative of Ireland had also spoken of Iraq in terms that were not surprising to the extent that that country could not break away from the consensus of the Western European countries, which were being extremely negative towards Iraq. However, that representative, too, should mention the embargo, or, if that was not possible, at least refer to the matter of Northern Ireland,

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whose situation was clearly contrary to the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights.

92. The CHAIRMAN recalled that, at an earlier meeting, the representative of Bosnia and Herzegovina had raised the question why the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina had not been invited to speak before the Third Committee. He informed the members of the Committee that he had studied the question with the Assistant Secretary-General for Human Rights, who was prepared to provide an explanation at a future meeting, in the presence of the representatives of Bosnia and Herzegovina and of Pakistan, which had also raised the question.

The meeting rose at 1.15 p.m.